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Report on the activities of the Office of Internal Oversight Services

Programme evaluation of performance and achievement of results: United Nations peacekeeping activities in the Democratic Republic of the Congo

Report of the Office of Internal Oversight Services

"Despite the unprecedented investment in United Nations peacekeeping operations in the Democratic Republic of the Congo, slow progress in security sector reform and establishing the rule of law means that Security Council benchmarks for the Mission's exit appear unlikely to be met in the near future"

Summary

The United Nations has had a continuous peacekeeping presence in the Democratic Republic of the Congo since 1999. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was reconfigured in 2010 as a stabilization mission, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Throughout, the Mission's mandate has been to advance peace consolidation and stabilization by supporting security sector reform, elections and the extension of State authority. Operating in often inaccessible territory and a complex political and military environment, the Mission has deployed up to 27,000 troops and staff at a time and has one of the largest air fleets in peacekeeping history. Its cumulative nominal cost exceeds US$ 11.5 billion. Protection of civilians remains its highest priority and its greatest challenge. This is the first evaluation of the Mission by the Office of Internal Oversight Services.

The Mission's military and civilian activities have contributed to improved security in the Democratic Republic of the Congo. The Mission supported the implementation of the Lusaka Ceasefire Agreement and subsequent agreements, under which foreign armed forces withdrew from Congolese territory and relations with neighbouring States improved.

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Continuing operations by peacekeeping forces, including joint operations with the Congolese Armed Forces, have deterred armed conflict in the Democratic Republic of the Congo. Conflict and related violence continue to menace the population, but are now limited mostly to five fragile and volatile eastern provinces. Mission support has contributed to capacity-building in the national police force and the Congolese Armed Forces, although the integration policy, under which ex-combatants from armed groups are integrated into those services, posed problems. Disarmament and reintegration initiatives reduced the capacity of remaining armed groups.

The Mission plays a critical enabling role for Government, the international community and civil society. It has supported two election cycles and facilitates the delivery of humanitarian assistance and the work of civil society. It has paid particular attention to gender issues, conflict-related sexual violence and human rights.

The Mission has proactively introduced measures to address challenges shared by other peacekeeping operations. These innovations, including the use of Community Liaison Assistants to facilitate interaction among Mission staff, troops and local communities and the Profiling Project to enable implementation of the due diligence policy, may serve as models for other peacekeeping missions.

The consequence of slow progress in security sector reform and establishing the rule of law is that Security Council benchmarks for the Mission's exit appear unlikely to be met in the near future. Meeting those benchmarks is beyond the power of the Mission and the United Nations alone and may not be achievable by following the present course. The crucial prerequisite for meeting the benchmarks — genuine partnership between the United Nations and the Government, including mutual accountability for activities and achievements — is not yet present. Also required for sustained progress is genuine collaboration among all actors within the international community in the Democratic Republic of the Congo so that more coherent and effective support can be offered to the Government and progress can be objectively measured.

The United Nations should manage reputational risks arising from perceptions of underperformance by the Mission and suspicions that its support for the Government's work and its security forces implies endorsement of the current political administration. Expectations of the Mission appear unrealistically high, feeding disappointment among national and international stakeholders and perceptions of unresponsiveness to needs. The United Nations and MONUSCO should work to ensure that the Mission's mandate is widely understood and that its activities are seen to embody and exemplify the United Nations values of impartiality and integrity. Many welcome the steps already taken to implement due diligence and to act decisively against sexual exploitation and abuse by Mission personnel.

The present report includes recommendations to address threats faced by the Mission and the United Nations, to further determine whether the Mission's innovations should be more broadly used in other peacekeeping operations and to ensure that the Mission can make the progress necessary for eventual exit.

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I. Introduction

1. The United Nations has had a continuous peacekeeping presence in the Democratic Republic of the Congo since 1999. Originally named the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the Mission became the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in 2010. This report presents the first evaluation by the Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS) of United Nations peacekeeping activities in the Democratic Republic of the Congo. The evaluation focused on the effectiveness of the Mission in achieving the objectives set out in successive Security Council mandates.

2. In many ways, MONUC represented a new era in United Nations peacekeeping. Formed on the eve of the Brahimi report of 2000,[1] which reconsidered the United Nations approach to peacekeeping, the Mission was an integrated United Nations peace operation involved in conflict prevention and peacemaking, peacekeeping and peacebuilding.

3. Protecting civilians remains the Mission's highest priority. Nevertheless, its mandate has expanded and changed over its life, reflecting changes in the political and security environment in which it has operated. While MONUC could originally act independently in implementing some tasks, initiative has increasingly shifted to the elected Government. The current mandate of MONUSCO emphasizes support for Government-led peace consolidation and stabilization efforts.

4. The present report begins with a brief history of United Nations peacekeeping activities in the Democratic Republic of the Congo since 1999. The methods used are presented briefly, the results of the evaluation follow, and conclusions are presented. Finally, the report includes recommendations addressed to MONUSCO and relevant Secretariat departments. Although MONUC and MONUSCO are technically two missions, the missions were consecutive and throughout this report are referred to as "the Mission". The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) will issue a more detailed analysis of results in terms of issues relating to gender.

II. Background

United Nations peacekeeping activities in the Democratic Republic of the Congo

5. While the United Nations has had a continuous peacekeeping presence in the Democratic Republic of the Congo since 1999, a previous peacekeeping operation was deployed in the Democratic Republic of the Congo between 1960 and 1964. The current intervention was precipitated by hostilities involving armed militias preceding and following the accession of President Laurent-Désiré Kabila in 1998. In July 1999, the Secretary-General described the situation as "characterized by appalling, widespread and systematic human rights violations" and having "inflicted

[1] Report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809).

further terrible suffering on a country already heavily burdened with poverty and neglect".[2]

6. The Security Council established MONUC in November 1999,[3] following the signing of the Lusaka Ceasefire Agreement. Since 1999, the Council has responded to the evolution of the Democratic Republic of the Congo by extending and amending the Mission's mandate. In February 2000, it authorized an expansion of military personnel and broadened the Mission's mandate.[4] By 2007, MONUC was tasked with 24 distinct mandate elements[5] which the Security Council prioritized late in 2008.[6]

7. Early in 2010, President Kabila expressed that it was time to allow the country "to fly with its own wings" and that the drawdown of the MONUC force should begin.[7] In May 2010, the Security Council renamed the mission the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, authorized withdrawal of up to 2,000 peacekeepers — leaving a maximum authorized strength of 19,815 military personnel — and directed the Mission to focus on stabilization and peace consolidation while keeping the protection of civilians its first priority.[8]

8. Security Council mandates have increasingly emphasized the Mission's role in supporting and assisting the Government and have progressively given the Mission less freedom to function independently. Of the 20 mandate elements specified for MONUSCO by the Security Council in its resolution 1925 (2010), 17 require the Mission to "support", "assist", "work closely with" or "in close consultation with" and, in the case of elections, act "upon explicit request from" the Government of the Democratic Republic of the Congo or Congolese authorities on particular matters.

9. The current structure of MONUSCO reflects the complexity of its mandate and the broad range of activities it undertakes. Those activities are organized according to five budget components, namely:

- Security and the protection of civilians
- Stabilization of conflict-affected areas
- Support for justice, security and human rights
- Democratic institutions and the consolidation of peace
- Mission support.

MONUSCO has more than 20 separate substantive functions reporting to the Special Representative of the Secretary-General for the Democratic Republic of the Congo. Its Kinshasa headquarters support 15 field presences, a logistics hub in Entebbe, Uganda, and liaison offices in Pretoria, South Africa, Kigali and Kampala.

10. Because much of the country is inaccessible by road, the Mission depends on aircraft to support many of its activities. In January 2012, its air fleet comprised

[2] See S/1999/790, para. 13.
[3] Security Council resolution 1279 (1999).
[4] Security Council resolution 1291 (2000).
[5] Security Council resolution 1756 (2007).
[6] Security Council resolution 1856 (2008).
[7] See S/2010/164, para. 100.
[8] Security Council resolution 1925 (2010).

63 aircraft, including 20 military aircraft, and was one of the largest in United Nations peacekeeping history.

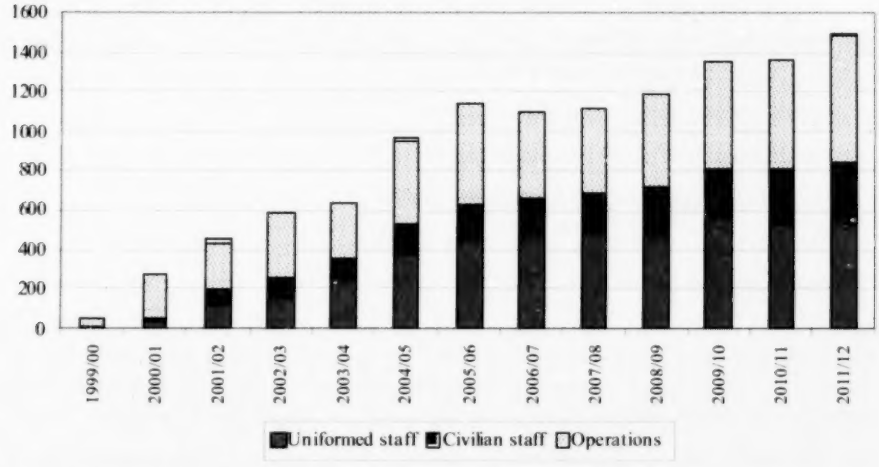
Budget and resources

11. MONUC was established with an initial budget in 1999/00 of $58.7 million and an authorized strength of 5,537 military personnel and 344 national and international staff. By 2005/06, the budget exceeded $1.1 billion and in 2009/10, its final year of operation, it exceeded $1.3 billion. The 2011/12 approved budget for MONUSCO, inclusive of support for the elections, is $1,486,486,000. Figure I displays the history of the budget.

12. In April 2011, the Mission comprised 17,009 military personnel, 731 military observers, 1,255 police, 986 international civilian personnel, 2,781 local civilian staff and 616 United Nations Volunteers.

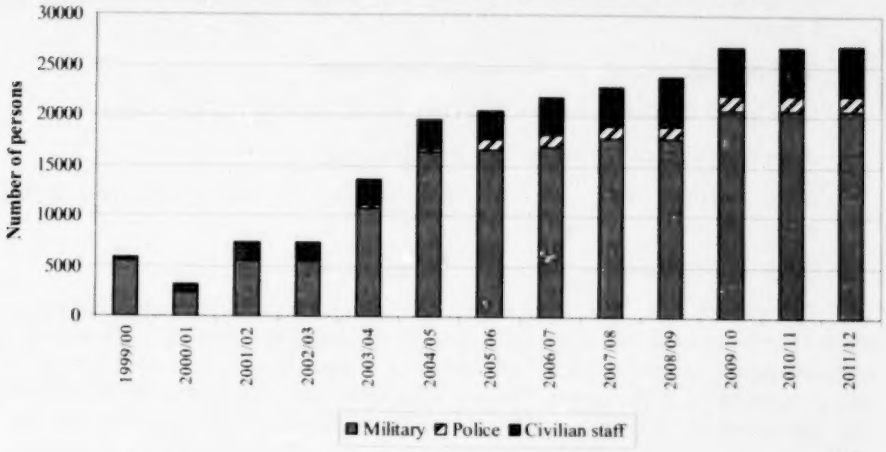
13. As the Mission broadened its activities from security to supporting peace consolidation and developing national institutions, the share of financial and human resources allocated to military staff stabilized while the share allocated to civilian staff increased slightly. Nevertheless, military personnel and police continue to account for the majority of personnel (see figure II).

Figure I
Authorized budget, MONUC and MONUSCO, 1999/00 to 2011/12
(Millions of United States dollars)



Sources: A/55/935, A/56/660, A/56/897, A/57/683, A/58/701, A/60/389, A/60/840, A/61/767, A/62/755, A/63/806, A/64/670, A/65/744, A/66/584.

Figure II
Human resources in MONUC and MONUSCO, 1999/00 to 2011/12



Sources: See figure I.

III. Methodology

14. The evaluation assessed the results and overall performance of the Mission from its establishment to December 2011, focusing in particular on the period since the national election of 2006. The evaluation considered constraints on the Mission's achievements and risks to its future success.

15. The efficiency of Mission operations was not deeply examined. Achievement of results and performance were seen as the larger issues, given the duration and cost of the Mission and the lack of any previous in-depth evaluation. Mission activities are subject to regular oversight through the audit function of OIOS.

16. Because of the importance of gender issues to the success of this Mission, OIOS collaborated with UN-Women, which contributed an evaluator to the evaluation team. The Inspection and Evaluation Division of OIOS maintained responsibility for the material presented in this report.

17. Results presented are based on the following:

(a) A literature review encompassing United Nations internal and public documents and external literature on the Democratic Republic of the Congo;

(b) An electronic survey of the views on Mission achievements and management of a random sample of 610 MONUSCO staff;[9]

(c) Semi-structured interviews conducted in person or via telephone with 240 people, including:

[9] The survey was held from 28 November 2011 to 20 January 2012 and received a 31 per cent response rate, with a confidence interval of at least ± 3.89 per cent (at a 95 per cent level).

- MONUSCO staff members
- Officials of the United Nations country team in the Democratic Republic of the Congo
- Staff members of relevant Secretariat departments
- Officials of the Government of the Democratic Republic of the Congo
- Representatives of United Nations Member States
- Representatives of civil society organizations and non-governmental organizations
- Other stakeholders.

18. Three internationally recognized peacekeeping experts reviewed the evaluation terms of reference and draft report. The Mission and selected staff in the Department of Peacekeeping Operations and the Department of Field Support provided comments on a previous draft of the report. The annex includes their response to the final report. The Inspection and Evaluation Division of OIOS thanks the two departments and MONUSCO for their cooperation and assistance during the course of the evaluation.

IV. Results

A. The Mission contributed to a more stable Democratic Republic of the Congo

19. The Mission's main priority was and remains protection of civilians. Its indicators of achievement[10] capture changes in a number of threat dimensions. Although the indicators sometimes lack continuity and/or are based on data that are difficult to verify objectively, some suggest considerable improvements in stability over the life of the Mission (see box).

Developments that contributed to improved security in the Democratic Republic of the Congo

- Lusaka Ceasefire Agreement signed (July 1999)
- Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo signed (December 2002)
- No unlawful presence of foreign government troops in the country since 2004/05
- Inaugural national elections held and Government of the Democratic Republic of the Congo established (2006)
- No reported cases of armed groups using territories of neighbouring States as staging grounds since 2004
- Exchange of ambassadors between the Democratic Republic of the Congo and its neighbours (Burundi, Rwanda, Uganda) (2009/10)

[10] As set out in budget performance reports, most recently in A/66/652.

- 112,383 Congolese ex-combatants disarmed and demobilized by June 2011
- 24,617 foreign combatants and dependents repatriated from 2002 to July 2011
- 221,456 Congolese refugees returned to their communities in the Democratic Republic of the Congo by August 2011
- 42,092 children released from armed groups by June 2011
- Large areas of land demined; fewer casualties from mine accidents
- Fewer incidents of sexual violence by members of the national security forces
- More Government prosecutions of serious human rights violations leading to convictions

Source: Compiled from Mission budget performance reports, 2002/03 to 2010/11.

20. While armed conflict continues, in particular in the more volatile eastern provinces of the country, its nature has changed, becoming intra-state rather than inter-state and driven increasingly by competition for economic resources. In 2010, the Mission withdrew 1,674 uniformed personnel.

21. The Mission contributed greatly to improvements in stability. Its military component supported the implementation of the 1999 Lusaka Ceasefire Agreement and subsequent agreements. The Mission supported the transitional Government, in place from 2003 to 2006, and played a major role in facilitating the elections in 2006. The Mission encouraged and supported improvements in the relations of the Democratic Republic of the Congo with its neighbours, particularly Rwanda, and facilitated negotiation of agreements on the return of refugees and on the demobilization, disarmament, repatriation, resettlement and reintegration of foreign ex-combatants, which has been a major and visible area of achievement. Supported by a strong commitment from the Mission, the United Nations Development Programme (UNDP), the Congolese armed forces and substantial donor resourcing, by June 2011 more than 24,600 foreign ex-combatants had been repatriated to their own countries.

22. The Mission also supported the development of common mechanisms for border control and security and economic cooperation initiatives with neighbouring countries. It responded decisively to major events and atrocities [11] within the boundaries of its capacity, using a combination of military and diplomatic interventions and supported by members of the international community and United Nations senior leadership.

23. The Mission's approaches to protection have included high-functioning tools and mechanisms, some of which it developed to address particular problems. Senior Management Groups on Protection established in Kinshasa and provincial offices provide a mechanism for integrated planning. The Mission's Protection Working

[11] For example, massacres among tribal groups in Ituri in 2003, pre- and post-election security breakdowns in Kinshasa in 2006 and 2007, and local clashes in Équateur Province in 2009.

Group, Joint Protection Teams and information and analysis services support these groups. A Protection Cluster and a Humanitarian Action Group bring together other actors, including civil society. Community Liaison Assistants and community alert networks provide direct links into communities. Proactive military approaches intended to avert and deter attacks on civilians include increased emphasis on foot patrols; embedding nationals hired as Community Liaison Assistants in military bases to address language skill deficiencies; sharing of information with civil society and field-based members of the international community; and providing security escorts to villagers, particularly women, walking to markets. These approaches enable information to be broadly sourced, collectively analysed and used to prioritize and plan military and civilian Mission activities. Mission staff and stakeholders have welcomed such initiatives and the Security Council has specifically referred to them in its resolutions.[12]

24. The Mission has addressed root causes of conflict by supporting the construction and equipping of trading counters for minerals; training police and administrative staff to operate the counters; tracking and seizing illegal arms; and helping non-governmental organizations to mediate community-level conflict. Demining has reduced the threat to civilians from mines and unexploded ordnance.[13] The provision of facilities and training have helped to consolidate gains in security and stability and reduce impunity.

25. Despite these efforts, armed groups, adept at exploiting security voids, have emerged where community conflict or other conflict exists. Land, arms and resource trading continue to offer opportunities for enrichment and, in the absence of sufficient State authority, continue to fuel violent conflict. Atrocities including mass rapes continue. Threats to civilians continue in an environment of pervasive violence and impunity.

An increased focus on stabilization

26. As an integrated peacekeeping mission, the Mission acts on the spectrum from peacekeeping to peace consolidation and peacebuilding. In theory, the progression is marked by a decreasing focus on establishing stability and an increasing focus on capacity- and institution-building and establishing the rule of law. This involves an increase in the number of partners with whom the Mission must work. The Mission's results therefore become increasingly dependent on the actions of others.

27. The establishment of MONUSCO in 2010 as a stabilization mission[14] reinforced its mandate to support Government efforts to consolidate State authority in territories previously controlled by armed groups. This focus was reinforced in 2011[15] and influences nearly all United Nations work in the Democratic Republic of the Congo, in particular on governance.

28. Stabilization activities have focused on the country's eastern region, where they are guided by the Government's stabilization and reconstruction plan for areas emerging from armed conflict and the International Security, Stabilization and Support Strategy. The Mission, which spearheads the implementation and

[12] Most recently resolution 1925 (2010), para. 12 (f).

[13] See output data in A/66/652 and corresponding documents from preceding years.

[14] Security Council resolution 1925 (2010).

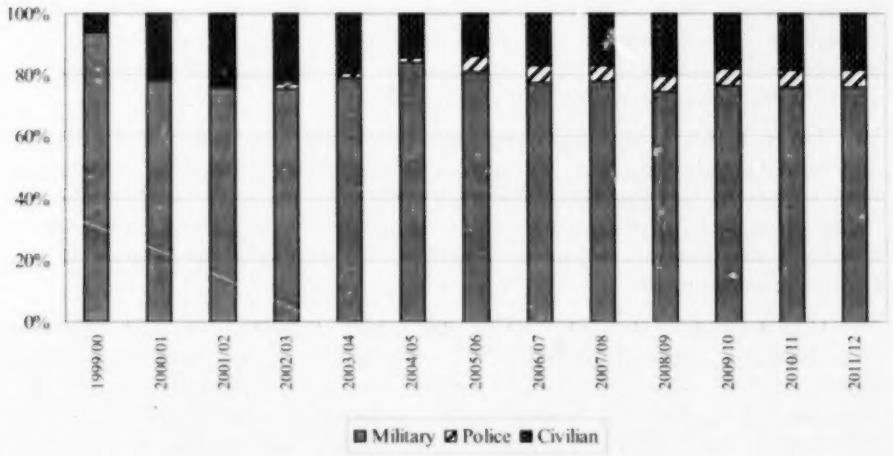
[15] Security Council resolution 1991 (2011).

coordination of the Strategy, established a Stabilization Support Unit based in Goma, North Kivu, in 2010, the only substantive section based outside Kinshasa. A peace consolidation programme is now being developed for provinces outside the stabilization programme, mainly in the west.

29. The Mission plays a coordinating and implementing role with respect to stabilization planning, strategy and budgeting. Senior Government officials in one eastern province believe that coordination with MONUSCO works well and that the local population has benefited, a view corroborated by several non-governmental organizations in that province. The construction and rehabilitation of roads were highlighted. Quick-impact projects serve smaller but complementary community needs and were particularly welcomed by non-governmental organizations, which were often partners in implementing the projects.

30. As the Mission progresses towards peace consolidation, the share of military personnel in the Mission should decrease while the share of police and civilians should increase (see figure III); however, the Mission has retained a strong military operation. Rather than falling in relative terms, military personnel continue to account for more than three quarters of all Mission personnel. Police rose sharply as a proportion of Mission personnel between 2004/05 and 2005/06.

Figure III
Composition of Mission personnel, 1999/00 to 2011/12



Sources: See figure I.

B. The Mission supported the national army and police despite facing challenges

31. The Mission has supported the Congolese army in joint operations since at least 2005, enabling coordinated responses to armed groups, sometimes in collaboration with neighbouring countries.[16] The Mission has provided training, equipment and other assistance, such as sustenance, medical support, fuel and occasional airlifts, to brigades, without which Congolese army units would lack sufficient operational mobility and face shortages in rations and other combat supplies.[17] Joint operations combined with targeted training initiatives have helped capacity-building, a crucial precondition for the withdrawal of peacekeepers. The support has been concentrated in areas where the Mission has deployed uniformed personnel, predominantly in the east.

32. Working with the Congolese armed forces has often been difficult. Army commanders sometimes failed to share plans and made unilateral decisions on important troop movements or ad hoc requests.[18] Language barriers limited communication between predominantly French-speaking Congolese troops and predominantly non-French speaking MONUSCO troops.[19]

33. Much Mission activity, including the training of Congolese battalions, depends on the availability of donor funding, francophone experts and instructors, and Government commitment to training and other programmes. Shortfalls in these resulted in the non-completion of some planned training in recent years.[20] Nevertheless, joint operations, which have powerful "demonstration" effects in both planning and execution, together with structured training, are clear opportunities for capacity-building at all levels of the armed services.

34. Other challenges have had wider negative impacts. The Mission is mandated to assist the integration process, under which ex-combatants from armed groups have been integrated into the Congolese armed forces, often with little training and limited disciplinary oversight. Integration has reportedly contributed to problems of command and control, discipline problems and human rights abuses by the Congolese armed forces.

35. The introduction in 2010 of the due diligence policy, originally known as "conditionality", under which the United Nations would not cooperate with or support elements of Congolese armed forces known to have been implicated in human rights abuse incidents, provided a requirement and mechanism to avoid such alignment.[21] Nevertheless, joint operations risk aligning the Mission with an army that continues to commit human rights violations, including sexual violence, and prey on the population. The reluctance of the Congolese armed forces to hand over for prosecution senior officers allegedly involved in human rights violations reinforced such concerns.[22]

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[16] For example, Amani Leo, Operation Rwenzori and Operation Rudia II.

[17] See S/2007/156, paras. 48-49.

[18] See S/2008/218, para. 38.

[19] In 2010, 91 per cent of troops and 63 per cent of police derived from non-francophone countries.

[20] See, for example, A/65/682, expected accomplishment 3.1.

[21] See Security Council resolution 1906 (2009), para. 22.

[22] See S/2006/390, para. 53.

36. More recent Security Council mandates have included an explicit focus on policing. In 2003, an integrated police unit was first proposed[23] and MONUC and other partners began training and providing technical assistance to the Congolese national police in accordance with the coordination framework developed with the Ministry of the Interior.[24] The Mission helped to develop a national police training plan that included modules on gender and sexual violence, initiated training programmes, provided technical assistance, advised on operational planning and management, including for election security, and provided equipment. The United Nations police also provided mentoring and advice services and the Mission supported infrastructure projects, including police stations for the Congolese national police, among other activities.

37. Compared with Mission support of the Congolese armed forces, the support of the Congolese national police has encountered fewer challenges. While human rights violations and other discipline problems are also reported in the national police, fewer obstructions existed at the political and the operational levels and outcomes apparently have been more predictable and enduring. Joint operations were well coordinated and well regarded and training courses were delivered using francophone United Nations police personnel.

38. Interviewees commented, however, that approaches to police training in the Democratic Republic of the Congo were fragmented, as different members of the international community offered training to subsets of the Congolese national police using different curricula. This reduced the possibility of achieving common training and skills throughout the police force. Piecemeal approaches and limited integration with training in other elements of the justice system, for example prosecutors, courts and correction services, failed to ensure links with the broader chain of justice in the country.

C. Progress in security sector reform and establishing the rule of law has been slow

39. The Mission's initiatives in the area of security sector reform initially focused on the security forces, in particular the police service, and progressively widened to include judiciary and corrections services. Since 2003, developing and reinforcing security institutions, practices, skills, budgets and cultures have become explicit components of the Mission's mandate. The Mission now has a security sector reform unit, a rule of law office and a separate corrections unit. It appears, however, to lack an overall coordinating structure for security sector reform comparable to that established for protection.

40. The Mission has engaged, sometimes in partnership with others, in concrete activities such as training, including the training of military and civilian magistrates; logistics; supporting military prosecutions and mobile courts; establishing prosecution support cells; contributing to legal and judicial reforms, including the drafting and passing of gender-sensitive legislation and the adoption of the national action plan on sexual violence; improving prison conditions; and providing advice and

[23] See S/2003/566, paras. 40-41.

[24] S/2004/650, paras. 25-26.

assistance to high-level Government panels and processes.[25] It led the development of a United Nations multi-year joint justice support programme and an exercise to map security institutions and develop tools for information-sharing among security sector reform partners.

41. The Mission also created mechanisms to coordinate and harmonize donor approaches and activities regarding security sector reform. These included working groups and an ambassadors' forum established in 2009.

42. To support the restoration of State authority and the rule of law, the Mission has provided technical advisers to support government at national and provincial levels, coordinated consultative meetings with national and international partners and established committees to oversee particular subject areas. It provided crucial support for the national election of 2006, which was pivotal in establishing preconditions for the rule of law.

43. Some interviewees expressed disappointment with the Mission's focus on training, equipment and construction as opposed to a more holistic approach to security sector reform. Government interviewees desired more consultative planning by the Mission, in particular in the area of training, more funding to support and manage reform initiatives, and a faster response to requests for assistance. Despite Mission efforts, there was limited coordination within the international community on security sector reform, reducing the ability of the in-country international community to speak to the Government with one voice.

44. Progress in security sector reform and the rule of law includes improved access to justice and judicial services in the east, and improved capacity and infrastructure in the police service and, more generally, in "training, formation, empowering". International community members noted "real progress in tackling impunity", noting increasing prosecutions for human rights violations and "changing cultural attitudes" in State institutions. Over the years, a Constitution has been adopted, parliamentary institutions developed, judicial and government structures established, a broad range of legislation adopted and civil servants, including magistrates, hired. Separation of powers has also been laid out in national law.

45. Nevertheless, the underlying security structures in the Democratic Republic of the Congo remain fragile. Secretaries-General have repeatedly drawn attention to the absence of a comprehensive national strategy for security sector reform and to the lack of progress, including legislative progress, on reform. External observers and Mission staff reiterate this view. The lack of progress is seen as impeding not only the restoration and consolidation of peace in the Democratic Republic of the Congo but also the ultimate exit of the Mission.

46. The main obstacles to progress were believed by interviewees to include the lack of a comprehensive Government strategy, limited Government resources allocated to security sector improvement and the Government's own expressed preference for bilateral discussions and initiatives.[26] These conditions breach almost all the assumptions contained in the Mission's planning documents related to

[25] See, for example, S/2009/160, para. 86; S/2008/433, paras. 45-46; and S/2009/335, para. 63.
[26] See S/2010/164, para. 101.

security sector reform[27] and would seem to undermine the possibility of sustainable improvement across the board, at least within the short term.

D. The Mission plays a critical enabling role for Government, the international community and civil society

The Mission has supported two sets of elections

47. Election support was among the Mission's most visible activities in 2006 and 2011. In both instances, in association with UNDP, the Mission played a decisive role by assisting in planning and implementing national elections and ensuring their security, providing logistical support, training election officials, advising and assisting with voter education and information and, in 2006, providing secretariat support to the Joint Commissions on essential legislation and the electoral process and coordinating international funding and support arrangements. In both instances, it provided support for female candidates and voters. The Mission's work in 2006 on elections has been widely acknowledged,[28] and several stakeholders regarded the election as a major achievement of MONUC.

48. The Mission's mandate differed for the 2011/12 electoral cycle. While the Independent National Electoral Commission led the planning and organization, MONUSCO focused on providing technical advice, logistical support and police training to enhance election security. Some Mission staff were co-located with the Commission to facilitate liaison.

49. The challenges were considerable, and included the logistical demands of receiving, warehousing and transporting thousands of tons of materials, procurement delays and contract changes by the Commission, uncertain budgetary arrangements and, tragically, the loss of eight electoral staff in an aircraft crash in Kinshasa in April 2011, in which 32 people died. Nevertheless, and despite concerns about preparedness, voting occurred as scheduled on 28 November 2011. The Mission's support role provided limited scope to ensure the validity and credibility of the elections, which have been questioned.

50. Most stakeholders interviewed for the evaluation agreed that MONUSCO performed its role effectively. Several Government representatives expressed appreciation for MONUSCO acceptance of the Commission's leadership, while wishing that the Mission could have offered even more logistical support. Women's groups highlighted the Mission's contribution in raising awareness among women voters through nationwide voter education and supporting female candidates. Most observed that the elections could not have been conducted without MONUSCO support, particularly its logistical support.

51. The distinction between support by the Mission for the election process and association with the election — and its flaws — was not always clear to stakeholders. Some staff of United Nations entities and civil society organizations

[27] See, for example, A/65/744, expected accomplishment 3.4.

[28] For example, by UNDP (see www.undp.org/evaluation/documents/thematic/conflict/DRC.pdf), international aid organizations (see, for example, www.dfid.gov.uk/Documents/publications1/elections/elections-cd-2006.pdf), the World Bank (see http://wdr2011.worldbank.org/sites/default/files/pdfs/WDR_2011_Case_Study_DRC_1.pdf p5) and the Security Council (see resolution 1711 (2006)).

reported that the Mission's reputation had suffered from its association with the Government and the Electoral Commission, as many Congolese citizens believed that the Mission had supported what were seen as corrupt and illegitimate elements in the election process.

The Mission facilitates the delivery of humanitarian support and support for victims

52. The Mission supports nearly all of the United Nations entities operating in the Democratic Republic of the Congo. The most usual forms of support include security information and services, and escorting or transporting humanitarian and development personnel to project sites and communities. Entities including UNDP, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and UNICEF also engage in joint planning and operations with the Mission and/or have joint decision mechanisms. The Mission also supports national and international civil society organizations and non-governmental organizations with transport services, security information, training and, in some cases, equipment, supplies and access to premises.

53. Mission interactions with such entities yield mutual benefits. Many "go where MONUSCO staff cannot or will not go", enabling information to be shared and joint or complementary activities to be planned and undertaken. Without access to these services, many entities would be unable to move around the territory and fulfil their own mandates. This dependence on the Mission, however, has created situations where the demand for services, particularly air services, exceeds what the Mission can supply, inevitably creating disappointment.

E. Particular attention has been paid to gender issues and human rights

The Mission's work on gender and sexual violence has been visible, although there is room for improvement

54. The Mission implements Security Council resolutions on women and peace and security[29] and the Department of Peacekeeping Operations' policy framework on gender.[30] Nearly all Mission-related Council resolutions refer specifically to gender, and a Gender Affairs Section has been in operation since 2002. Following well-publicized incidents of sexual violence in the Democratic Republic of the Congo, the Mission's focus on sexual and gender-based violence increased and a dedicated unit was established in 2009.

55. In fulfilling gender obligations, the Mission worked alongside the Government, civil service organizations and other United Nations entities, including UN-Women, UNDP and the United Nations Population Fund. The Mission prioritized coordination, training, technical support and capacity-building, and since 2009 has played a key role in coordinating the fight against sexual and gender-based violence.

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[29] Resolutions 1325 (2006), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010).

[30] United Nations Department of Peacekeeping Operations and Department of Field Support, *DPKO/DFS Guidelines: Integrating a Gender Perspective into the Work of the United Nations Military in Peacekeeping Operations* (New York, 2010). Available from www.un.org/en/peacekeeping/documents/dpko_dfs_gender_military_perspective.pdf.

The Mission's visibility gave it a comparative advantage in coordinating activities and promoting a gender perspective with the Government and society. It developed a framework for implementing Security Council resolution 1325 (2000) in collaboration with various United Nations entities, national civil service organizations and the Congolese Ministry of Gender, Family and Children, and supported the legislative and policy framework on gender. Challenges in implementing resolution 1325 (2000) persist, however, including structural and resource constraints within the Government, the armed services and police, and a weak justice system, under which laws are often not implemented at the local level.

56. The Mission promoted the collection and compilation of data on gender issues and sexual and gender-based violence and helped to achieve media coverage of sexual violence, including through Radio Okapi and by supporting successful prosecutions of perpetrators of rape and sexual violence. Interviewees suggested that this helped to sensitize the population and increase awareness.

57. Internally, the Mission's gender affairs and sexual violence units work with other sections, and a gender perspective appears in many aspects of the Mission's work. Reports of the Secretary-General on the Mission have included gender and women since 2002, and the gender perspective in mission planning began to feature in budget reports in 2004, especially in the areas of elections and legal and judicial sector reform. Performance measurement at the mission level through disaggregated indicators and targets is largely absent, however. The Mission's gender balance target has proved difficult to meet; women accounted for 18 per cent of its civilian staff — 29 per cent of its international civilian staff — in December 2011, compared with its target of 50 per cent.

The Mission's human rights mandate has presented challenges

58. MONUC first deployed human rights officers early in 2000, and the investigation of human rights violations and the promotion and protection of human rights have since been integral to the Mission's activities. In 2008, MONUC and the Office of the United Nations High Commissioner for Human Rights (OHCHR) replaced their individual units in the Democratic Republic of the Congo with a Joint Human Rights Office in the Mission. The Joint Human Rights Office combats impunity by investigating and documenting human rights abuses and implements the due diligence (conditionality) policy[31] under which the United Nations will not cooperate with or support elements of the Congolese armed forces and national police known to have been implicated in human rights abuse incidents. The policy now applies in all United Nations field activities.

59. To execute due diligence, the Mission, with the support of UNDP, implemented the Profiling Project, which created a database of human rights incidents and persons associated with them. The database allows the Mission to vet Congolese military and police personnel by determining whether their names match those of known perpetrators in the database. The Profiling Project is unique in the United Nations and was the result of a memorandum of understanding between the Mission (MONUC), UNDP and OHCHR signed in 2009. To date, the database has only been used for vetting army and police personnel, although it could potentially be used to vet any Congolese associated with the Mission. The due diligence policy

[31] See Security Council resolution 1906 (2009), para. 22.

has been applied in all areas of cooperation between the Mission and the Congolese armed forces and police, although there have been some delays in planning and initiating joint activities where vetting was required and, in the opinion of some observers, there has been a loss of some openness in communication between peacekeepers and their Congolese counterparts.

60. The Mission has helped bring to justice major cases of human rights abuses by supporting judicial partners and processes and developing capacity within the State human rights institutions.[32] The Mission has frequent contact with national and provincial human rights authorities. Discussions continue on a United Nations joint justice programme, and the Government has developed a plan to implement recommendations from international human rights bodies.

61. The Mission investigates human rights abuses and incidents and issues ad hoc reports, but as at March 2012 has not regularly prepared the semi-annual monitoring reports advised by the policy directive on public reporting by human rights components of United Nations peace operations published in 2008. In the absence of comprehensive national data on the human rights situation in the Democratic Republic of the Congo, external stakeholders expressed interest in having the Mission produce regular monitoring reports. Without such data, it is impossible to track changes in the overall human rights situation.

62. Major concerns about the human rights situation in the Democratic Republic of the Congo continue to be publicly expressed by OHCHR and the Secretary-General, and those concerns were echoed by almost all international actors in the country who were interviewed for this evaluation. The lack of public monitoring reports and infrequent investigation reports reduces transparency and fails to enforce accountability for non-compliance with international treaties.

F. Internally, the Mission generally functions coherently in a difficult environment

63. Dependence on air transport is high in the Democratic Republic of the Congo, where roads are few and in poor condition. The Mission has limited control over the quality and quantity of its air fleet, however, as demonstrated by the withdrawal over the 18 months prior to December 2011 of some of its military helicopters, including all attack helicopters, by the countries that had supplied them. The Secretary-General has repeatedly brought to the attention of the Security Council the issue of inadequate air resources.[33]

64. The Mission's limited control over other resources and regulations also affects its operations. The complexity of some Mission processes and activities causes delays — especially in recruitment and procurement — and frustration and has an adverse impact on Mission effectiveness at times, including when key staff were lost to illness or accident and could not be replaced quickly.[34] These processes are largely the product of system-wide policies and are not fully within the control of the Mission. Some staff complained that rules and procedures — for example, those

[32] See, for example, S/2011/656, para. 80; S/2011/298, paras. 12 and 62; and S/2011/20, para. 76.

[33] At the time of writing, four attack helicopters supplied by a Member State had just been deployed in the Mission.

[34] For example, following the loss of Mission personnel in 2011 (see para. 49 above).

associated with travel issues and security clearances — impede their work and create incentives for risky "work-arounds". National staff and United Nations Volunteers work under conditions they consider inferior to those of their international colleagues. Planning time frames inhibit longer term planning and integration with other partners. The Mission's troops and some of its civilian staff lack fluency in French. Such concerns are also found in other peacekeeping missions.

Indicators of achievement offer a limited picture of Mission outcomes

65. Like other peacekeeping missions, MONUSCO measures its achievement using indicators specified in its budget documents that are intended to measure progress towards the larger objectives specified in its mandate, including the improved protection of civilians, progress in combating impunity and improving human rights. The Mission's activities and outputs contribute to those outcomes.

66. The Inspection and Evaluation Division of OIOS examined the Mission's reported indicators and sought validating information from partners, stakeholders and other data sources, including statistical series maintained by the United Nations and related organizations and academia. The Mission's indicator set changes in line with mandate changes, includes indicators that yield only a partial view of a larger situation and/or are influenced by factors beyond its control, cannot always be validated from external sources and does not measure the totality of its outcomes. As a result, the set is an important but inherently imperfect means of measuring the Mission's impact.

67. The staff survey revealed staff perceptions of Mission management and outcomes. Generally, respondents assessed the effectiveness of the Mission's management positively, with at least half rating most support areas as effective or extremely effective. Forty-four per cent rated overall Mission effectiveness as good or excellent, while 45 per cent rated it fair and 11 per cent poor.

68. Stakeholder perceptions of the Mission, assessed through interviews and written comments, suggest that expectations of the Mission are unrealistically high, feeding disappointment. Frequent concerns were expressed by both external stakeholders and Mission staff about the inadequacy of the Mission's budget relative to the scope of its mandate and its operating conditions. The Mission has proactively changed processes over its life to improve efficiency, in particular in logistics and transport.

Substantiated allegations of sexual exploitation and abuse by peacekeepers provided a particular challenge

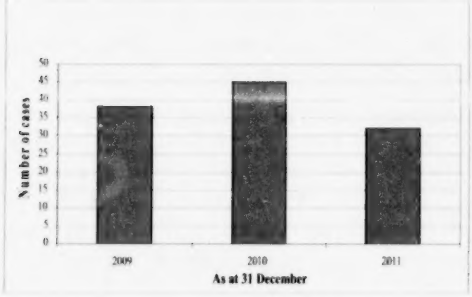
69. Allegations of sexual exploitation and abuse by MONUC personnel came to light in 2004, when the Secretary-General first included reference to them in his regular report to the Security Council.[35] The allegations, made against both civilian and military staff, included rape, sex with minors, sex for employment and sex with prostitutes.

[35] S/2004/1034, paras. 65-68.

70. The Secretariat and the Mission responded by initiating an OIOS investigation[36] and developed a comprehensive strategy to address the problem. As allegations continued to surface and as OIOS reported a pattern to the abuse, Secretariat-wide action was taken: OIOS took over responsibility for investigations of sexual exploitation and abuse in October 2005, and in December 2005 the Mission established a Conduct and Discipline Team to accept allegations, refer them for investigation, ensure compliance with the code of conduct and train staff. Subsequent reports of the Secretary-General on MONUC repeatedly emphasized the zero-tolerance policy of the Mission towards sexual exploitation and abuse.

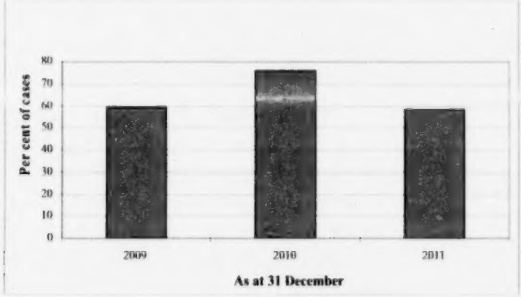
71. Action taken against Mission contingent members faced by substantiated allegations of sexual exploitation and abuse included repatriation or recommended repatriation on disciplinary grounds. Both investigation and disciplinary action in such cases, however, is primarily the responsibility of the troop-contributing country involved. In cases of civilian offenders, dismissals, suspensions and reprimands were issued. Some interviewees expressed concern about the time taken to investigate allegations and the inability of OIOS to make public the outcome of particular cases. Statistics from OIOS and the Conduct and Discipline Team continue to show a higher rate of sexual exploitation and abuse in the Mission than in other peacekeeping missions, despite improvements (see figures IV to VII).[37]

Figure IV
Open sexual exploitation and abuse cases in MONUC and MONUSCO, 2009-2011



Source: OIOS Investigation Division

Figure V
Open sexual exploitation and abuse cases in MONUC and MONUSCO as a percentage of all open sexual exploitation and abuse cases, 2009-2011

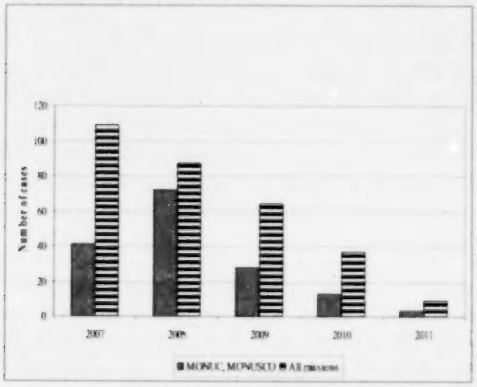


Source: OIOS Investigation Division

[36] Conducted by the Investigations Division of OIOS.

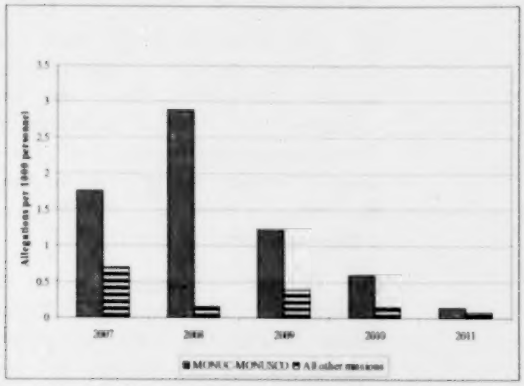
[37] From 2007 to 2011, 157 substantiated allegations of sexual exploitation and abuse were recorded by the Conduct and Discipline Team in MONUC and MONUSCO, compared with 51 in the United Nations Operation in Côte d'Ivoire, 45 in the United Nations Stabilization Mission in Haiti, 25 in the United Nations Mission in Liberia, 13 in the United Nations Mission in the Sudan and 5 or fewer in every other mission.

Figure VI
Substantiated allegations of sexual exploitation and abuse in United Nations peacekeeping missions, 2007-2011



Source: Conduct and Discipline Team, Department of Peacekeeping Operations Fact Sheets

Figure VII
Substantiated allegations of sexual exploitation and abuse per 1,000 mission personnel, 2007-2011



Source: Conduct and Discipline Team, Department of Peacekeeping Operations Fact Sheets

G. The benchmarks for exit appear unlikely to be met in the near future

72. In May 2007, the Security Council requested benchmarks for exit.[38] The benchmarks subsequently proposed by the Secretary-General related to the establishment of a stable security environment and the consolidation of democratic institutions.[39]

73. At the time, the Secretary-General noted that achieving the benchmarks was beyond the capacity and mandate of MONUC alone and that they were unlikely to be achieved during the life of the Mission.[40] Subsequent reviews bore this out. Reviews conducted by a technical assessment mission[41] and under the joint assessment process,[42] together with the Mission's own reporting, continued to highlight shortfalls in progress towards the benchmarks. Particular concerns related to the capacity of the army to provide protection to civilians, the state of the judicial and corrections systems, sexual violence and human rights violations.

V. Conclusion

74. The Mission was repeatedly described to the evaluation team as having an impossible job stemming from the scale of the challenges confronting the Democratic Republic of the Congo, the country's vast and inaccessible territory and

[38] See Security Council resolution 1756 (2007), para. 23.
[39] See S/2007/671, paras. 58-60.
[40] See S/2007/671, para. 61.
[41] 22 February to 5 March 2010.
[42] See S/2010/164, para. 105.

its underdeveloped State institutions, the number and complexity of tasks mandated to the Mission, and the lack of commitment among some individuals in the Government to true reform. The present report has indicated the areas in which the Mission has made inroads into its mandate and those where it has not. It has highlighted innovations that may serve as models for other peacekeeping operations.

75. The Mission's most notable accomplishment — that of contributing to the decrease of conflict — has had an enormous impact on the country. Research suggests that conflict has a particularly devastating impact in the least developed countries.[43] The human development index for the Democratic Republic of the Congo increased from 0.224 in 2000 to 0.282 in 2010 — nearly identical to its 1980 level.[44] The increase of 0.052 in a decade suggests that the Democratic Republic of the Congo is now on a normal development track, for a least developed country, rather than mired in conflict.[43]

76. Despite the unprecedented investment in United Nations peacekeeping operations in the Democratic Republic of the Congo, slow progress in security sector reform and establishing the rule of law means that Security Council benchmarks for the Mission's exit appear unlikely to be met in the near future. The Mission's top priority, even in its current configuration as a stabilization mission, remains the protection of civilians. The steps to peace consolidation and peacebuilding have been small, and security in the country — particularly in its vulnerable eastern zone — remains fragile. There is little immediate prospect of achieving the benchmarks for withdrawal, as meeting them is beyond the powers of the Mission alone, and perhaps those of the United Nations. It is unlikely that the benchmarks can be achieved in the near future by following the present course. Meeting the benchmarks requires:

(a) Achievable mandates combined with the right quantity and quality of resources needed for implementation;

(b) The will within the international community in the Democratic Republic of the Congo and the United Nations system to look past individual mandates and priorities and develop more genuinely collaborative approaches;

(c) Above all, genuine partnership between the United Nations and institutions in the Democratic Republic of the Congo, particularly the Government, including mutual accountability for activities and outcomes.

Despite most of these issues having been addressed in 2000 by the Panel on United Nations Peace Operations, they remain challenges to the Mission and to United Nations peace activities more generally.

77. Even if some internal processes of the Mission had been improved, it seems unlikely that its work would have yielded very different or better outcomes. A major determinant of the Mission's effectiveness has been the degree of control it has over the planning and implementation of its work. Its achievements have been in the

[43] Asher and Daponte, "A hypothetical cohort model of human development". Human Development Research Paper No. 2010/40 (New York: UNDP, 2010). Available from http://hdr.undp.org/en/reports/global/hdr2010/papers/HDRP_2010_40.pdf.

[44] UNDP, Congo (Democratic Republic of the), International Human Development Indicators, HDRStats database. Available from http://hdrstats.undp.org/en/countries/profiles/display_xls_output.cfm?country_iso3=COD&lang=en (accessed 9 February 2012).

areas in which it has considerable control, namely, protection of civilians and the disarmament, demobilization, repatriation, reintegration and rehabilitation process. Less progress has been achieved where critical decisions or resources lay with others. This was particularly the case in situations where the plans and activities of critical partners lacked alignment or follow-through, as was the case with security sector reform.

78. Two further areas warrant consideration, both of which carry reputational risk to the United Nations. The first relates to expectations regarding the United Nations. The dependence of many stakeholders on Mission services, combined with high hopes of its operations, have created expectations in some quarters that cannot always or perhaps ever be met. The subsequent disappointment fuels perceptions that the Mission is not sufficiently active or responsive. Evidence of underperformance or even wrongdoing, such as incidents of sexual exploitation and abuse by Mission personnel, only reinforce such perceptions. It is crucial that stakeholders understand the limits as well as the possibilities of United Nations peacekeeping and that the leadership of the United Nations, as well as of the Mission itself, take steps to ensure that the Mission's mandate is understood and its activities reinforce United Nations values. The reputational risk to the Organization is real.

79. The second area relates to perceptions of the United Nations. Tension is implicit in the need to support the elected Government in the host country while being seen to uphold United Nations values. The Mission's mandate has increasingly emphasized its role in assisting and supporting the Government of the Democratic Republic of the Congo. Mandate language recognizes the sovereignty of the elected Government but places the Mission in a difficult position if elements of the Government or its services are seen to be associated with corruption, fraud or human rights violations.

80. The United Nations reacted in 2009 to concerns about human rights violations perpetrated by Congolese armed forces and national police personnel by imposing the policy of due diligence (conditionality). Nevertheless, interviewees reported a widespread perception that the Mission is too close to Government activities, including those of the army and more recently the electoral authority, that may appear to encompass illegal, unethical, corrupt and/or criminal elements. Mission efforts at "quiet diplomacy" appear to have had little effect in dispelling such perceptions and instead may feed them. More visible action is needed to denounce bad behaviour and dissociate the Mission from it. Improved perceptions and more realistic expectations have the potential to improve the cooperation extended to the Mission and thereby improve the relevance and effectiveness of peacekeeping operations in the Democratic Republic of the Congo.

VI. Recommendations

The Office of Internal Oversight Services makes the following recommendations:

Critical recommendations

Recommendation 1

The Mission should reinforce its commitment to security sector development:

(a) By creating an appropriate senior-level structure and Mission-specific plans to implement this mandate;

(b) By expanding its existing mapping of security sector institutions to include mapping of:

(i) Security sector legislation in the Democratic Republic of the Congo;

(ii) The security sector development policies, strategies and plans of all major actors.

Recommendation 2

The Mission should institute, through public information and its Office of Civil Affairs, an information campaign focused on differentiating between the Mission's responsibility to support the Government and build its capacity and the support of individuals in the Government and/or the support of wrongdoing.

Recommendation 3

The Department of Peacekeeping Operations and OHCHR should ensure that MONUSCO and all missions with a human rights mandate release regular, comprehensive public reports that monitor the human rights situation in their respective areas at regular intervals of at least twice a year.

Recommendation 4

The Mission, the Department of Peacekeeping Operations, the Department of Field Support, the OIOS Investigations Division and the Office of Human Resources Management should take all possible steps to reinforce the zero-tolerance policy in relation to sexual exploitation and abuse on the part of Mission personnel. This should include holding accountable not only individuals who engage in sexual exploitation and abuse, but also their superiors and, ultimately, for military personnel, their troop-contributing countries.

Important recommendations

Recommendation 5

The Department of Peacekeeping Operations should evaluate significant innovations in the Mission to identify their strengths, weaknesses, and suitability for broader application in United Nations peacekeeping. The innovations that should be evaluated include, but are not limited to:

(a) The implementation of due diligence (conditionality);

(b) The Profiling Project and the possibility and utility of expanding this work to other areas where significant numbers of human rights violations have occurred;

(c) The community alert network;

(d) The Community Liaison Assistant programme.

Recommendation 6

The Department of Field Support should provide to governing bodies a consolidated study on the availability, use, predictability of resourcing, safety and utility of air resources for the Mission.

Recommendation 7

The Department of Field Support must ensure that relevant and up-to-date rosters are built and available for all key posts at the P-4 level and above, so that vacancies in areas or roles critical to the achievement of mandates can be filled in a timely manner, especially in circumstances of unplanned vacancies.

Recommendation 8

The Mission should use its profiling database to supplement its vetting of all nationals of the Democratic Republic of the Congo associated with the Mission.

(*Signed*) Carman L. **Lapointe**
Under-Secretary-General for Internal Oversight Services

9 March 2012

Annex*

Memorandum dated 19 March 2012 from the Under-Secretary-General for Peacekeeping Operations addressed to the Under-Secretary-General of the Office of Internal Oversight Services

Comments on the report of the Office of Internal Oversight Services on the programme evaluation of performance and the achievement of results: United Nations peacekeeping activities in the Democratic Republic of the Congo

1. I refer to the memorandum dated 24 February 2012 from the Director of the Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS) regarding the above-mentioned programme evaluation, and the final report, dated 9 March, which I have read with interest. This is an important report and a useful evaluation by OIOS of the performance and achievement of results by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)/United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). I welcome the excellent cooperation between colleagues from MONUSCO, the Department of Field Support, the Department of Peacekeeping Operations and OIOS during the report production process.

2. We broadly agree with and welcome the report's main findings and most of its recommendations. In our view, the report accurately reflects the progress made in the work of MONUC/MONUSCO as an integrated mission and acknowledges the difficult circumstances under which the Mission has been operating since its establishment in 1999.

3. The report captures the essence of what the Mission has accomplished and is working to achieve. It outlines the major achievements of the Mission, which is a fitting tribute to the work and commitment of its personnel as well as the staff of other United Nations entities. It notes that the Mission has contributed, through its military and diplomatic activities, to achieving notable improvements in overall stability and security in the Democratic Republic of the Congo. We are pleased to note the focus on the Mission's use of innovative tools and mechanisms for the protection of civilians, in particular in areas in the eastern part of the country where armed groups continue to pose a threat to the population. I refer to recommendation 5 in the report in this regard and am pleased to report that the Department of Peacekeeping Operations has begun an evaluation of these tools with a view to assessing their possible suitability for other peacekeeping missions with similar mandates.

* In the present annex, OIOS presents the full text of comments of the Department of Peacekeeping Operations, the Department of Field Support and MONUSCO on the programme evaluation of performance and achievement of results: United Nations peacekeeping activities in the Democratic Republic of the Congo. This practice has been instituted pursuant to General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee.

4. The Mission has continued, despite the major challenges it faces, to implement its multifaceted tasks, within the limits of its capacities, and to provide critical support to the Congolese authorities, including for the presidential and national legislative elections held in November 2011, in keeping with its mandate. Another important task highlighted in the report is the Mission's vital but sometimes overlooked facilitation of the delivery of humanitarian aid by providing crucial transport and security support for the work of the United Nations and other humanitarian actors. This also provides a better understanding and rationale for the Mission's budget (more than $1.3 billion requested for 2012/13).

5. The observation that the Mission's main achievements were in areas over which it had considerable control, in particular the protection of civilians and the demobilization, disarmament, repatriation, resettlement and reintegration of foreign ex-combatants is pertinent. Not all of the Mission's mandated tasks are achievable: many of the decisions in key areas are not under its control, as noted in the report and as illustrated by security sector reform and the rule of law. Much progress remains to be made in these key areas. The report confirms earlier conclusions that this is a major factor in why fulfilling the benchmarks for the Mission's exit strategy has so far remained beyond its capacity and mandate. Useful lessons could be drawn by United Nations governing bodies for future peacekeeping mandates in the Democratic Republic of the Congo and elsewhere in this regard.

6. We understand that a number of concerns and suggested alternative language from the Department of Peacekeeping Operations, the Department of Field Support and MONUSCO were accepted by OIOS and included in the final report. We also note that some recommendations and clarifications were not included for a number of reasons, including word limitations and because, in a few areas, our views were at variance with those of OIOS. Consolidated comments providing clarification and additional information in this regard have been provided below.

7. We would agree with the report's conclusions that expectations of the Mission are often unrealistically high. We feel, however, that the critique by OIOS of the Mission's "quiet diplomacy" in relation to perceptions of underperformance and endorsement of policies by the host country authorities does not render full justice to the difficult position of the Mission in balancing the need for constructive partnership with the host country authorities, a point stressed in the report, against its intensive efforts at public communication on difficult issues. This applies, for example, to issuing candid public reports on the problematic human rights situation in the country, which have the potential to complicate relations with national institutional actors. Despite these problems, the Mission has maintained a good track record of delivering tangible results, working closely with national counterparts on joint endeavours, a point which we feel could have been further stressed in the report.

8. On another point of note, it is our view that recommendation 8, that MONUSCO use its "profiling database to supplement its vetting of all nationals of the Democratic Republic of the Congo associated with the Mission", could have been removed from the report. In our view, the Mission has no legal mandate for using the database other than for the vetting of national security force personnel. We are of the view that such a broadening of the use of the database would further undermine its primary aim of being used to identify perpetrators of serious human rights violations serving with the security forces.

9. We would recommend that the present memorandum, including the comments below, be made available to the General Assembly so that there is a full reflection of the feedback that has been received from the Mission and from Headquarters.

Consolidated comments

Paragraph 20

10. With respect to the deployment of peacekeepers in the territory of the Democratic Republic of the Congo, it is recommended that the following be added to the paragraph to more accurately reflect current deployments:

> MONUSCO currently has armed uniformed personnel deployed outside the eastern part of the country. The Mission maintains a battalion in Kinshasa and a light presence in Équateur Province, while formed police units are deployed in both Kasai provinces. They are tasked with the protection of United Nations personnel and assets, civilians and humanitarian workers, the provision of escorts for the Mission and the implementation of quick-impact projects in local communities. Two provinces where the security situation is more stable, Bas-Congo and Bandundu, are only monitored by military observer teams.

Paragraph 27

11. With respect to the Mission's focus on stabilization, this section could have made reference to the United Nations agencies, funds and programmes involved in governance, including activities related to the consolidation of State authority, before the establishment of MONUC in 1999. This focus was reinforced in 2011 and has fostered synergies with activities implemented by United Nations entities according to their respective mandates, specifically on governance.

Paragraphs 39-46

12. This section of the report could have reflected more fully the Mission's activities and achievements in providing support for security institutions and the rule of law (including justice, police and corrections). Further information can be found in the Mission's annual budget performance reports, most recently for the period from 1 July 2010 to 30 June 2011 (A/66/652).

Paragraph 57

13. With respect to the challenges MONUSCO faces in terms of achieving the gender balance target in civilian staffing, it should be noted that the 50/50 gender balance target has been recognized as unrealistic for peacekeeping operations, which are located in difficult duty stations. In the 2010/11 human resources management scorecard agreement, which replaced the human resources action plans, the gender target is defined as a decrease of 20 per cent in the gap between men and women from the current status in a particular mission, with an ultimate goal of 50 per cent female representation. Since the newly defined target has been approved for the United Nations by the Management Performance Board, peacekeeping operations are, we understand, to be measured against the incremental target rather than the gender parity target. In the reporting period from July 2010 to June 2011, the

MONUSCO gender ratio improved from 17 to 19 per cent, which represents the achievement of the revised target for the Mission.

Paragraph 64

14. Various outreach activities are being undertaken to increase the number of francophone candidates applying for positions in field missions, in particular peacekeeping operations. Procedures have been established to make it easier for francophone candidates to be recommended for rosters. In the 2010/11 recruitment and rostering exercises, candidates could take written assessments in French for a number of occupational groups, including in Rule of Law and Security Institutions, Political Affairs, and Public Information. In addition, candidates invited to participate in competency-based interviews were given the option to be interviewed in French. This has resulted in an increased number of francophone candidates rostered for consideration for selection and deployment. In 2012, mission-specific job openings are being posted in French for missions deployed in francophone countries.

Paragraph 71

15. With respect to the higher rate of sexual exploitation and abuse cases in the Mission compared to other peacekeeping operations, it should be noted that MONUSCO is the largest United Nations operation in the world in terms of personnel. The Mission achieved a 40 per cent decrease in the number of allegations in 2010/11, the largest decrease among missions worldwide.

Paragraph 80

16. With respect to perceptions of MONUSCO, and specifically that the Mission "is too close to Government activities", we agree that expectations of the Mission are often unrealistically high and that managing perceptions of the Mission is an important challenge. The Mission is active in seeking to address this through existing information campaigns that target both international and Congolese partners. In this regard, in our view, paragraph 80 does not render full justice to the Mission's difficult position in balancing the need for a constructive partnership with the host country authorities, a point stressed in the report, against its concerted efforts to address difficult issues through public communication as well as "quiet diplomacy" efforts. For instance, MONUSCO, jointly with OHCHR, regularly issues candid public reports on the problematic human rights situation in the country which have the potential to complicate relations with national institutional actors. These include the reports issued in July 2011 on mass rapes and looting by armed group elements in Walikale in August 2010 and on similar events perpetrated by elements of the Congolese Armed Forces in Bushani from December 2010 to January 2011, and the report issued in November 2011 on incidents of election-related violence. The Mission has also issued public statements, when relevant, expressing concern regarding certain actions taken by the authorities, for instance in connection with the presidential and legislative elections of November 2011. Nonetheless, MONUSCO has maintained a good track record in delivering tangible results in priority mandated areas, including related to the elections and human rights, when working closely with national counterparts on joint endeavours.

Recommendation 2

17. In line with the points made above regarding paragraph 80, it is noted that MONUSCO actively seeks to clarify the Mission's responsibilities and mandate, including with respect to supporting the Government and building its capacity, through information campaigns. The Mission will also continue to express concern and to announce "wrongdoing" when needed, including if such acts are undertaken by the authorities, in accordance with its mandate.

Recommendation 6

18. The recommendation that the Department of Field Support provide governing bodies with a consolidated study on air resources has already been implemented.

The following reports on air operations have been submitted to the governing bodies:

- The report of the Secretary-General on United Nations air operations (A/65/738) issued in response to the request of the Advisory Committee on Administrative and Budgetary Questions to the General Assembly (see A/64/660, para. 55);
- The report of the Secretary-General on administrative and safety arrangements relating to the management of military utility helicopters in peacekeeping operations issued in response to the request of the Special Committee on Peacekeeping Operations (see A/63/19, para. 71, and A/64/19, para. 72).

Recommendation 8

19. It is suggested that this recommendation, which proposes the vetting of all nationals of the Democratic Republic of the Congo "associated with the Mission", be removed from the report. The Mission is currently not mandated to carry out such a vetting process. Should the mandate be extended to allow for the proposed vetting of all actors engaged with the Mission, the profiling project would be diverted from its core mandated purpose. The profiling database and human rights due diligence (conditionality) policies are specifically focused on entities in the Democratic Republic of the Congo serving in the national security forces. The legal basis for MONUSCO to use tools such as the profiling database to screen recipients of United Nations assistance is closely linked to MONUSCO undertaking joint planning, joint operations and the provision of support to the Congolese Armed Forces in operations against Congolese and foreign armed groups. All relevant resolutions that have reiterated the human rights due diligence policy — Security Council resolutions 1856 (2008) (paras. 3 (g) and 22); 1906 (2009) (paras. 21-23 and 32); 1925 (2010) (paras. 12 (h) and (k)); and 1991 (2011) — link it to joint military operations. The human rights due diligence/profiling tools have thus been applied by the Mission primarily to Congolese Armed Forces units involved in joint operations, but may be extended to support the Government in developing a broader vetting of other "national security forces", including, but not limited to, the Congolese national police.

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General Assembly

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Sixty-sixth session
Agenda item 37
Question of Palestine

Letter dated 14 February 2012 from the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the President of the General Assembly

I have the honour to inform you that, by a letter dated 13 February 2012 addressed to the Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Chargé d'affaires a.i. of Ecuador conveyed the decision of his Government to become a member of the Committee, to which it had already been granted observer status (see annex).

The Committee on the Exercise of the Inalienable Rights of the Palestinian People, at its 339th meeting, held on 13 February 2012, welcomed the decision of Ecuador and approved its request. In the view of the Committee, this reflects the growing international support for its efforts to achieve a comprehensive, just and lasting settlement of the question of Palestine.

In light of the above, and since the membership of the Committee has been established by the General Assembly, I have the honour to request that you bring the matter to the attention of the Assembly for its approval.

(*Signed*) Abdou Salam **Diallo**
Chair
Committee on the Exercise of the Inalienable Rights of the Palestinian People

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Annex

Palestine has always been a topic in the diplomatic affairs and foreign policy agenda of the Government of Ecuador. The support of Ecuador for all of the United Nations resolutions on Palestine and the recognition of Palestine as an independent State has shown its solidarity with the Palestinian people.

In this context and in order to reaffirm once again support for Palestinian rights, I have the honour to inform you of the decision of the Government of President Rafael Correa to become a State member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(*Signed*) Diego **Morejón**
Deputy Permanent Representative of Ecuador to the United Nations
Chargé d'affaires a.i.

United Nations A/66/743–S/2012/153

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Security Council

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General Assembly
Sixty-sixth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-seventh year

Identical letters dated 12 March 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of Georgia dated 12 March 2012 in reaction to the so-called parliamentary elections recently held in Abkhazia, Georgia (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the sixty-sixth session of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

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Annex to the identical letters dated 12 March 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Georgian Foreign Ministry in reaction to the so-called parliamentary elections recently held in Abkhazia, Georgia

On 10 March 2012, Russian occupation forces and their proxy regimes held so-called "parliamentary elections" in the occupied region of Abkhazia. This unlawful act is yet another unsuccessful attempt to cover up the ethnic cleansing of hundreds of thousands of people with elements of supposedly "democratic" governance.

The crimes committed by the Russian occupants and their proxy regimes over the past 20 years have fundamentally distorted the demography of both the Abkhazia and Tskhinvali regions. Internally displaced persons from the occupied region of Abkhazia are being prevented from exercising their right to return to their homes. The human rights of those who managed to remain are being violated by the occupation forces on a daily basis, and international observers are blocked from travelling to the occupied region to report on these abuses as well as on the ongoing illegal militarization of the region.

The so-called "parliamentary elections", illegally held in the occupied region of Abkhazia, are further proof of a complete disregard for internationally accepted norms and principles.

The Georgian Foreign Ministry calls upon the international community to properly assess this further farce conducted in Abkhazia and to continue to pressure Russia to fulfil its international obligations, including the provisions of the 12 August 2008 Ceasefire Agreement.

Tbilisi, 12 March 2012